

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

THEODORE LEWIS,
a/k/a "T,"

Defendant.

INDICTMENT

23 Cr.

23 Cr.

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COUNT ONE
(Firearms Trafficking Conspiracy)

The Grand Jury charges:

1. From at least in or about February 2022 through at least in or about October 2022, in the Southern District of New York and elsewhere, THEODORE LEWIS, a/k/a "T," the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit an offense against the United States, to wit, trafficking in firearms, in violation of Title 18, United States Code, Section 922(a)(1)(A).

2. It was a part and an object of the conspiracy that THEODORE LEWIS, a/k/a "T," the defendant, and others known and unknown, not being licensed importers, licensed manufacturers, or licensed dealers of firearms within the meaning of Chapter 44, Title 18, United States Code, would and did willfully and knowingly engage in the business of dealing in firearms, and in the course of such business would and did ship, transport, and receive firearms in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(a)(1)(A).

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about February 15, 2022, THEODORE LEWIS, a/k/a “T,” the defendant, who resided in the Bronx, New York, sent text messages directing a coconspirator (“CC-1”), who resided in Maine, to purchase a Springfield pistol from a seller in Maine on LEWIS’s behalf. CC-1 purchased the pistol and later provided it to LEWIS.

b. On or about August 17 and 18, 2022, LEWIS, who resided in the Bronx, New York, sent text messages directing a coconspirator (“CC-2”), who resided in Maine, to purchase an NAA Black Widow .22 caliber revolver from a seller in Maine on LEWIS’s behalf. CC-2 purchased the revolver and later provided it to LEWIS.

c. On or about September 17, 2022, at LEWIS’s direction, CC-2 purchased a Smith & Wesson M&P Shield pistol from a seller in Maine. After CC-2 confirmed the purchase, LEWIS sent CC-1 \$400 through CashApp. CC-2 later provided this pistol to LEWIS, who traveled from New York to pick up the gun.

d. On or about September 27, 2022, at LEWIS’s direction, CC-2 sent a parcel to LEWIS’s address in the Bronx, New York, containing the magazine for a gun that CC-2 had purchased on LEWIS’s behalf in Maine and previously given to LEWIS.

(Title 18, United States Code, Section 371.)

COUNT TWO
(Firearms Trafficking – Dealing Firearms)

The Grand Jury further charges:

4. From at least in or about August 2022 through at least in or about October 2022, in the Southern District of New York and elsewhere, THEODORE LEWIS, a/k/a “T,” the defendant, not being a licensed importer, licensed manufacturer, or licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, willfully and knowingly engaged in the business of importing, manufacturing, and dealing in firearms, and in the course of such business shipped, transported, and received firearms in interstate and foreign commerce, and aided and abetted the same, to wit, the defendant, who resided in the Bronx, New York, engaged in the business of dealing firearms and, in furtherance of that business, arranged for the purchase of guns from residents of Maine, and received those guns from a coconspirator residing in Maine, who picked up the guns on the defendant’s behalf.

(Title 18, United States Code, Sections 922(a)(1)(A) and 2.)

COUNT THREE
(Firearms Trafficking – Out-of-State Receipt)

The Grand Jury further charges:

5. From at least in or about August 2022 through at least in or about October 2022, in the Southern District of New York and elsewhere, THEODORE LEWIS, a/k/a “T,” the defendant, not being a licensed importer, licensed manufacturer, or licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, willfully and knowingly transported into and received in the State where LEWIS resides a firearm purchased and otherwise obtained by LEWIS outside that State, and aided and abetted the same, to wit, the defendant, who resided in the Bronx,

New York, traveled outside of New York to receive guns from a coconspirator residing in Maine, who picked up the guns from other residents of Maine on the defendant's behalf.

(Title 18, United States Code, Sections 922(a)(3) and 2.)

FORFEITURE ALLEGATIONS

6. As a result of committing the offenses alleged in Counts One, Two, and Three of this Indictment, THEODORE LEWIS, a/k/a "T," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), any and all firearms and ammunition involved in and used in said offenses.

Substitute Assets Provision

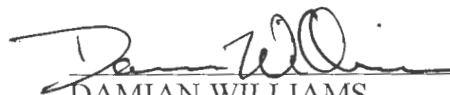
7. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 924; and
Title 28, United States Code, Section 2461.)


FOREPERSON


DAMIAN WILLIAMS
United States Attorney